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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,651	01/07/2004	Richard C. Fuksa	900093.92707	4106

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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

EXAMINER

SCHNEIDER, CRAIG M

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/752,651	Applicant(s) FUKSA ET AL.	
	Examiner Craig M. Schneider	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/18/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds 150 words in length. It is important that the abstract does not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (6,267,527).

Miller discloses a dowel (10) that has a lower shank at one end of the body and an upper shank adjacent to the lower shank as seen in Figure 4B col. 3, lines 23-25), the lower shank being of a first diameter and the upper shank being of a second diameter, the first diameter being less than the second diameter and wherein between the lower shank and the upper shank of the body an undercut shoulder forms a recess opening in the direction toward the lower shank, the recess forming a tooth that shears material as the dowel is inserted into a hole as seen in Figure 4B. The diameter of the lower shank is less than the diameter of the hole in the valve plate. The diameter of the hole of the valve plate must be larger than the dowel when the dowel is inside the hole.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as applied to claim 1 above, and further in view of Kawaguchi et al. (US 2003/0181560 A1).

Miller discloses all the features of the invention except that the pin is made of PEEK. Kawaguchi et al. discloses the use of PEEK as a corrosion resistant material (page 3, paragraphs 53-55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the plastic material utilized by Miller for the PEEK material of Kawaguchi et al., in order to make the plastic more chemical resistant.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller^{er} as applied to claim 1 above, and further in view of Malloy et al. (4,146,206).

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Miller discloses all the features of the claimed invention except that the valve plate is made of plastic. Malloy et al. disclose the use of PTFE for chemical resistance (col.2, lines 57-62).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the PTFE as taught by Malloy et al. onto Miller, to make the material that the dowel is being inserted into more resistant to chemicals.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as applied to claim 1 above, and further in view of Runge (4,182,217).

Miller discloses all the features of the claimed invention except that the undercut shoulder is molded into the pin, Runge discloses that the dowel is molded (col. 2, lines 58-68 onto col. 3, lines 1-2).
claim 4
^

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to mold the entire pin of Miller as taught by Runge which would include the undercut shoulder, in order to decrease manufacturing cost.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as applied to claim 1 above, and further in view of Kindt (2,221,141).

Miller discloses all the features of the claimed invention except that the undercut should is machined into the pin. Kindt discloses machining of a portion of the dowel below a flange (col. 2, lines 4-8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the undercut shoulder of Miller machined as is the area below the flange of Kindt, in order to make sure that the dowel of Miller is in coaxial alignment of the bored recess in the work.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as applied to claim 1 above, and further in view of Hinkel (6,435,758).

Miller discloses all the features of the claimed invention except that the undercut shoulder extends to a depth beneath the surface of the lower shank. Hinkel discloses

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the use of an undercut shoulder extending to a depth beneath the surface of the lower shank as seen in Figure 2b(col. 4, lines 47-67 onto col.5, lines 1-53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the undercut shoulder of Hinkel onto the dowel of Miller, in order to create a positive-locking manner.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as applied to claim 1 above, and further in view of Applicant's Exhibit A.

Miller discloses all the features of the claimed invention except that the pin further comprises a stud extending axially outwardly from the body. Applicant's exhibit A discloses the use of a stud at the end of the dowel as shown in Figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the stud of Applicant's Exhibit A onto the dowel of Miller, in order to attach items to the end of the dowel.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

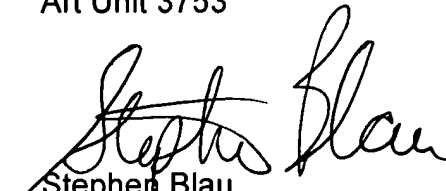
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Blau can be reached on (571) 272-4406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
November 14, 2005


Craig Schneider
Patent Examiner
Art Unit 3753


Stephen Blau
Primary Examiner